

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

June 20, 2002

The Honorable John Ashcroft  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Attorney General Ashcroft,

We write to express our strong dissatisfaction with the current policy towards Haitian asylum-seekers which we believe is discriminatory and falls short of the law and principles according to which the American government should act. Under the current policy in Miami, asylum seekers from Haiti are treated differently from -- worse than -- asylum seekers from any other country solely on the basis of their national origin. This policy is highly discriminatory and supported by questionable legality and justifications.

As we understand the policy of your department in Miami, people who arrive in the U.S. seeking asylum remain free after showing credible fear of persecution until their requests are decided. If the request is granted, they are allowed to stay. If the request is denied, they are subject to deportation and may be held in detention pending their removal. But beginning in December of last year, the INS has followed a sharply different and more restrictive policy regarding those people who arrive here from Haiti. Unlike others, Haitians seeking a chance to prove that they deserve asylum status are immediately imprisoned even if they, like others, are able to demonstrate initial grounds of credible fear for an asylum claim.

When the INS implemented this policy after the arrival of a boat carrying Haitian refugees in December of last year, your department explained that the policy was intended to "discourage further risk taking and avoid an immigration crisis of the magnitude which existed during the early 1980's and 1990's with the Haitian and Cuban mass migrations." But this explanation would appear to be contradicted by the simple fact that the policy does not apply to Cubans and there are many more potential refugees from Cuba than Haiti, due to Cuba's closer proximity for a risky sea voyage and larger population. Furthermore, we understand that Haitians arriving by airplane are also subject to this policy, with Haitians already approved for asylum being indefinitely detained. These reports make the deterrent justification deeply suspect.

Thus far, pursuant to this policy, we are aware of more than 250 Haitian asylum seekers now detained in Florida. This causes particular problems with regard to children who are separated from their parents and placed in separate facilities. In some cases the children are released without their parents, and the imprisoned parents are not always able to ascertain the whereabouts

of their children. In addition, many complaints have arisen regarding the conditions in which the asylees are held. There is extreme overcrowding at the Krome Detention facility, and some women are being held in maximum security county jails with violent criminals.

Many of the detainees -- probably most -- do not have legal representation. And those that do have counsel often face cases so expedited that the lawyers assisting them have insufficient time to adequately prepare the detainee's claims, thus leading to increases in denials of asylum and orders of removal since the policy went into effect. Indeed, the very fact that these Haitians are confined under these difficult conditions makes it less likely that they will be able to prove their claims, regardless of whether the claims are legitimate. The policy seems clearly designed to warehouse and then deport Haitians as quickly as possible, regardless of the merits of their cases and regardless of the law on asylum claims which gives all asylum-seekers an equal chance to prove their claims without regard to their national origin.

We would like you to include in your response to this letter, answers to the following questions:

- How many Haitians are currently being detained by the INS in Miami and in which facilities? How many have been detained since December when the new policy went into effect?
- How many Haitians have been intercepted on the high seas on a monthly basis over the last year? How many were brought to United States? How many were returned to Haiti?
- How many Cubans have been intercepted on the high seas on a monthly basis over the last year? How many were brought to United States? How many were returned to Cuba?
- Why does this policy apply only to Haitians and not to Cubans or people of any other nationality? How is this distinction singling out Haitians justified by law?
- What was the rate of approval for Haitian asylum seekers prior to the institution of this policy? What is the rate of approval since the policy came into effect?

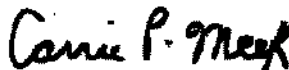
As the number of detainees appears to be small, though significant, it does not appear that a mass exodus of Haitians is taking place. And we stress again that there do appear to be fewer Haitians in this asylum category than Cubans. Thus, the decision to single out Haitians for this harsh treatment while they are seeking to avail themselves of the American tradition -- and law -- of granting refuge to people who face unjust persecution at home is discriminatory and unfair.

We see absolutely no justification for this policy. We strongly urge you to reverse this policy in Miami and treat Haitian asylum-seekers equally to the way we treat asylum seekers from other countries, as is required by law.

cc: Daniel J. Bryant, Assistant Attorney General  
F. James Sensenbrenner, Judiciary Committee Chairman



Rep. Barney Frank



Rep. Carrie P. Meek



Rep. John Conyers, Jr.



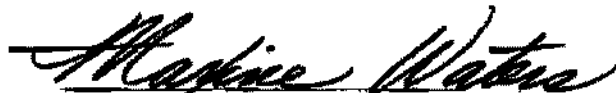
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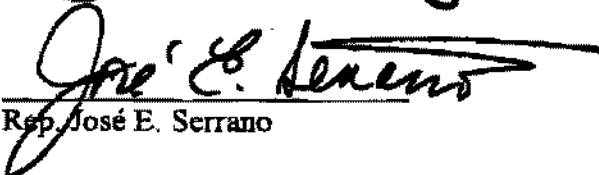
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